

EXHIBIT 1

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(If Attorney) State Bar Number: 022762, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

CANNON COCHRAN MANAGEMENT SERVICE,

INC, et al.

Plaintiff(s),

Case No. P1300CV202200783

v.

Kristina Jansky, et al.

SUMMONS

Defendant(s).

To: Bill Davis Trucking, Inc.

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 120 South Cortez Street, Prescott, Arizona 86303 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of YAVAPAI

SIGNED AND SEALED this date: *November 7, 2022*

DONNA McQUALITY
Clerk of Superior Court

By: *ABAUMAN*
Deputy Clerk



FILED
DONNA McQUALITY
CLERK, SUPERIOR COURT
11/07/2022 2:50PM
BY: ABAUMAN
DEPUTY

Case No.: P1300CV202200783
HON. MICHAEL MCGILL

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**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Yavapai County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Amy Hoffman /s/
Plaintiff/Attorney for Plaintiff

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7 *Attorneys for Plaintiff*

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10 **IN THE SUPERIOR COURT OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 CANNON COCHRAN MANAGEMENT
13 SERVICE, INC., aka CCMSI, an Illinois
14 corporation, CLEAR SPRING PROPERTY
15 AND CASUALTY COMPANY, a Illinois
16 corporation,

17 Plaintiff,

18 v.

19 BILL DAVIS TRUCKING, INC., an
20 Arkansas corporation; KRISTINA JANSKY,
21 personal representative of LARRY WHITED,
22 deceased; BRITTANY CHAVERS, personal
23 representative of LARRY WHITED,
24 deceased; JAMES F. JOHNSON, personal
25 representative of CRYSTAL MARIE
26 WHITED, deceased,

Defendants.

No.

COMPLAINT

21
22 Plaintiff Cannon Cochran Management Service, Inc. ("CCMSI" or "Plaintiff")
23 files its Complaint against Defendant Bill Davis Trucking, Inc. and the personal
24 representatives of Bill Davis Trucking employees Larry Whited and Chrystal Marie
25 Whited, and alleges as follows:
26

1 1. This is a subrogation complaint to recover amounts expended by Plaintiff
2 in workers' compensation payments on behalf of its insured, Yon Woo Chong. Mr.
3 Chong was seriously injured in a vehicle accident on November 12, 2020. Because Mr.
4 Chong has failed to bring suit against Defendant, Mr. Chong's claim has been deemed
5 assigned to the carrier by statute.

6 2. Plaintiff seeks recovery for the medical and disability payments made to
7 Mr. Chong.

8 **PARTIES AND JURISDICTION**

9 3. Plaintiff CCMSI now is, and at all times relevant to this action was, a
10 corporation duly organized and existing under the laws of the State of Illinois and
11 authorized by the State of Arizona to engage in the business of writing and selling
12 insurance in this State.

13 4. CCMSI is the claims administrator for Clear Springs Insurance.

14 5. Clear Spring Property & Casualty Company ("Clear Spring") is a
15 corporation duly organized and existing under the laws of the State of Illinois and
16 authorized by the State of Arizona to engage in the business of writing and selling
17 insurance in this State. It was the worker's compensation insurer for Global Expedited
18 Transportation at all times relevant to this complaint.

19 6. Defendant Bill Davis Trucking, Inc., is an Arkansas corporation, and was
20 the employer of Larry Whited and Crystal Marie Whited at all times relevant to this
21 complaint.

22 7. Defendant Kristina Janskey and Brittany Chavers are the personal
23 representatives of Larry Whited. Mr. Whited is deceased. He was operating one of the
24 vehicles involved in the November 12, 2020 automobile accident.
25
26

1 8. Defendant James F. Johnson is the personal representative of Crystal Marie
2 Whited. Ms. Whited is deceased. She was operating one of the vehicles involved in the
3 November 12, 2020 automobile accident.

4 9. This action is based in tort and arises from an incident in Yavapai County,
5 Arizona.

6 10. Jurisdiction is appropriate in this court.

7 11. Yavapai County is a proper venue, pursuant to A.R.S. §12-401(10).

8 **FACTUAL BACKGROUND**

9 12. On November 12, 2020, non-party Viviana Salazar was driving a passenger
10 car westbound on Interstate 40 in Yavapai County when her vehicle was in a sideswipe
11 collision with a semi-tractor trailer operated by Yon Woo Chong.

12 13. Ms. Salazar pulled into the median between the two directions of traffic
13 after the collision. Mr. Chong stopped his vehicle on the left side of the westbound
14 freeway to check on Ms. Salazar and the damage to her vehicle.

15 14. Mr. Chong's tractor-trailer was then struck by the semi-tractor trailer
16 operated by Larry Whited and Crystal Marie Whited.

17 15. The collision between the two semis caused a fire. Larry Whited and Crystal
18 Marie Whited were killed in the collision.

19 16. Mr. Chong attempted to rescue Larry Whited and Crystal Whited from the
20 cab of the burning vehicle. He sustained severe burns and was airlifted to the hospital.

21 17. At the time of the accident, Larry Whited and Crystal Whited were driving
22 in the course and scope of their employment for Bill Davis Trucking.

23 18. Plaintiff Clear Spring is the worker's compensation insurance carrier for
24 Mr. Chong's employer, as that term is used in Ariz. Rev. Stat. Ann. § 23-1023, and
25 CCMSI is the third party administrator for Clear Spring.

1 19. Plaintiff has paid benefits to and on behalf of Mr. Chong pursuant to the
2 terms and conditions of the worker's compensation insurance policy and will do so in the
3 future.

4 20. Mr. Chong has failed to pursue a remedy by instituting an action against the
5 Whites' personal representatives for his injuries.

6 21. Pursuant to Ariz. Rev. Stat. Ann. § 23-1023(B), Mr. Chong's claim has
7 been assigned to Plaintiff.

8 **COUNT I - NEGLIGENCE**

9 22. Plaintiffs incorporate the foregoing paragraphs 1-21 as though fully set
10 forth herein.

11 23. Defendants were under a common law duty or obligation to exercise
12 reasonable care for the safety of others.

13 24. Defendants were under a duty to operate a motor vehicle safely and with
14 reasonable care.

15 25. Defendants violated that duty.

16 26. Defendants' conduct was negligent.

17 27. Due to Defendants' negligence, Mr. Chong sustained injuries.

18 28. Mr. Chong underwent reasonable and necessary medical treatment and
19 incurred medical bills.

20 29. Plaintiff has paid benefits to and on behalf of Mr. Chong and will do so in
21 the future for his damages set forth above pursuant to the terms and conditions of the
22 worker's compensation insurance policy.

23 30. Pursuant to Ariz. Rev. Stat. Ann. § 23-1023(B), Plaintiff is entitled to
24 reimbursement from Defendants for the benefits paid.

25 31. Plaintiff has been damaged in an amount to be proven at trial.

COUNT II – VICARIOUS LIABILITY

32. Plaintiff incorporates the foregoing paragraphs 1-31 as though fully set forth herein.

33. At the time of the November 12, 2020 accident, Larry Whited and Crystal Marie Whited were the agents of Bill Davis Trucking, Inc.

34. Larry Whited and Crystal Whited were in the course and scope of their agency at the time of the accident.

35. Bill Davis Trucking is vicariously liable for the negligent acts of its agents performed in the course and scope of their agency.

36. Mr. Chong underwent reasonable and necessary medical treatment and incurred medical bills and disability payments.

37. Plaintiffs have paid benefits to and on behalf of Mr. Chong and will do so in the future for his damages set forth above pursuant to the terms and conditions of the worker's compensation insurance policy.

38. Pursuant to Ariz. Rev. Stat. Ann. § 23-1023(B), Plaintiffs are entitled to reimbursement from Defendants for the benefits paid.

39. Plaintiff has been damaged in an amount to be proven at trial.

WHEREFORE, Plaintiffs request judgment against Defendants for:

- A. General and special damages of Mr. Chong paid for by Plaintiffs;
- B. Prejudgment interest on the benefits paid;
- C. Post judgment interest on the judgment;
- D. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 7th day of November, 2022.

HOFFMAN LEGAL, LLC

By /s/ Amy Wilkins Hoffman
Amy Wilkins Hoffman
Hoffman Legal, LLC

Attorneys for Plaintiffs